

AMENDED IN SENATE APRIL 24, 2003

SENATE BILL

No. 193

Introduced by ~~Senator Murray~~ *Senators Murray and Burton*

February 12, 2003

An act to add Chapter 15.3 (commencing with Section 67370) to Part 40 of the Education Code, and to add Section 3364.4 to the Labor Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 193, as amended, Murray. ~~Student athletes: rights~~
Postsecondary education: Student Athletes' Bill of Rights.

Existing law ~~prohibits discrimination in any program or activity conducted by any postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by resolution, act to make them applicable. Existing provisions of the act prohibit a person from offering, promising, or attempting to give any money or other thing of value to a student athlete to induce, encourage, or reward the student athlete's application, enrollment, or attendance, at a public or private institution of higher education.~~

This bill would ~~state that it is the intent of the Legislature to enact legislation regarding the rights of student athletes at postsecondary educational institutions. enact the Student Athletes' Bill of Rights, which would, among other things, prohibit a institution of higher education from agreeing to, or being subject to, the rules or policies of~~

any organization, or making a contract with any party, that dictates the terms, value, and conditions of student athlete scholarships.

The bill would require each institution of higher education to annually make a report to the California Postsecondary Education Commission that contains the average and median college entrance examination scores for student athletes admitted to that institution of higher education that year, average and median grade point averages for student athletes, graduation rates for student athletes, and the major course of study of each student athlete.

The bill would provide that nothing in its provisions be construed to create an employer/employee relationship between an institution of higher education and a student athlete. The bill would prohibit an institution of higher education from imposing, or submitting to the imposition of, a penalty or other sanction, as defined, on a student athlete for a violation of a rule or code of conduct of an intercollegiate athletics association that was not committed by that student athlete.

The bill would entitle student athletes to workers' compensation benefits.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~legislation regarding the rights of student athletes at postsecondary~~
3 ~~educational institutions.~~

4 SECTION 1. Chapter 15.3 (commencing with Section 67370)
5 is added to Part 40 of the Education Code, to read:

6
7 CHAPTER 15.3. STUDENT ATHLETES' BILL OF RIGHTS

8
9 67370. This chapter shall be known and cited as the "Student
10 Athletes' Bill of Rights."

11 67370.5. The Legislature finds and declares that every student
12 attending an institution of higher education in this state shall have
13 the same rights and benefits, and shall not be differentiated from
14 other students by the amount of a scholarship or by terms dictated
15 by an outside entity.

16 67371. (a) An institution of higher education may not agree
17 to, or be subject to, the rules or policies of any organization, nor

1 *make a contract with any party, that dictates the terms, value, and*
2 *conditions of student athlete scholarships, including, but not*
3 *necessarily limited to, any of the following:*

4 *(1) The amount of a scholarship or stipend.*

5 *(2) Room and board.*

6 *(3) The amount earned from bona fide employment not*
7 *associated with their sport.*

8 *(4) Health insurance.*

9 *(5) Length of the scholarship, including educational*
10 *opportunities after the student athlete no longer participates in the*
11 *sport.*

12 *(6) The ability to obtain representation in making career*
13 *choices.*

14 *(7) The ability to transfer to another institution of higher*
15 *education if a head coach leaves the school of attendance or*
16 *anticipated attendance.*

17 *(b) Subdivision (a) shall not be construed to prevent an*
18 *institution of higher education from entering into, for just*
19 *compensation, a revenue-sharing agreement with the student*
20 *athlete or an exclusive endorsement arrangement with the student*
21 *athlete.*

22 *67372. (a) Each institution of higher education shall*
23 *annually make a report to the California Postsecondary Education*
24 *Commission that contains all of the following information:*

25 *(1) Average and median college entrance examination scores*
26 *for student athletes admitted to that institution of higher education*
27 *in that academic year.*

28 *(2) Average and median grade point averages for student*
29 *athletes.*

30 *(3) Graduation rates for student athletes.*

31 *(4) The major course of study of each student athlete.*

32 *(b) The report required by this section shall not contain the*
33 *names of any student athletes or any other information that*
34 *personally identifies a specific student athlete.*

35 *67373. (a) Nothing in this chapter shall be construed to*
36 *create an employer/employee relationship between an institution*
37 *of higher education and a student athlete.*

38 *(b) Notwithstanding subdivision (a), a student athlete shall be*
39 *entitled to workers' compensation benefits as provided for in*
40 *Section 3364.4 of the Labor Code.*

1 67374. No institution of higher education that maintains an
2 intercollegiate athletics program shall impose, or submit to the
3 imposition of, a penalty or other sanction on a student athlete for
4 a violation of a rule or code of conduct of an intercollegiate
5 athletics association that was not committed by that student
6 athlete. As used in this section, “penalty or other sanction”
7 includes, but is not necessarily limited to, the cancellation or
8 forfeiting of an athletic event.

9 SEC. 2. Section 3364.4 is added to the Labor Code, to read:

10 3364.4. A student athlete subject to Chapter 15.3
11 (commencing with Section 67370) of Part 40 of the Education
12 Code shall be deemed an employee of an institution of higher
13 education for the purposes of this division, and shall be entitled to
14 workers’ compensation benefits provided by this division for any
15 injury sustained while engaged in the student’s sport.

16 SEC. 3. If any section, subdivision, sentence, clause, phrase,
17 or portion of this act is, for any reason, held invalid or
18 unconstitutional by any court of competent jurisdiction, that
19 portion shall be deemed a separate, distinct, and independent
20 provision, and that holding shall not affect the validity of the
21 remaining portion of this act.

